

Last revised: August 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Robert Nunziato

Case No.: 17-15431
Judge: RG

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☐ Modified/Notice Required Date: April 17, 2018
☐ Motions Included ☒ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: BGH

Initial Debtor: RN

Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 500 per Month to the Chapter 13 Trustee, starting on April 1, 2017 for approximately 55 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

Non-exempt funds from Debtor's personal injury case

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ As allowed by the Court
DOMESTIC SUPPORT OBLIGATION	N/A	N/A

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Branch Banking & Trust Company	Motor Vehicle - 2016 Jeep Patriot	\$492.27	0%	\$492.27	Normal Monthly Payments

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Ditech Financial - First Mortgage on Residence
BAC Home Loan Serv LP - Second Mortgage on Residence
Hann Financial - Auto Lease on 2015 Jeep Grand Cherokee

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than _____ 100% percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
BB&T	\$492.27	Auto Loan	Assumed	Normal Monthly Payment Outside of Plan
Hann Financial	\$0.00	Auto Lease	Assumed	Normal Monthly Payment Outside of Plan

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Attorneys Fees
- 3) Priority Claims
- 4) Secured Creditors 5) Unsecured Creditors

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: March 20, 2017.

Explain below **why** the plan is being modified:

The plan is being modified to extend the payments from 36 months to 55 months to cover all timely filed proof of claims.

Explain below **how** the plan is being modified:

The plan is being extended from 36 months to 55 months.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☐ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 4/17/2018

/s/ Brian G. Hannon, Esq.
Attorney for the Debtor

Date: 4/17/2018

/s/ Robert Nunziato
Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 4/17/2018

/s/ Brian G. Hannon, Esq.
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 4/17/2018

/s/ Robert Nunziato
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Robert Nunziato
DebtorCase No. 17-15431-RG
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 42

Date Rcvd: Apr 19, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 21, 2018.

db Robert Nunziato, 520 Hackensack Street, Carlstadt, NJ 07072-1306
 aty +Parisi & Gerlane, P.A., 190 Moore Street, Suite 460, Hackensack, NJ 07601-7498
 cr +BANK OF AMERICA, N.A., c/o Frenkel, Lambert, Weiss, Weisman & G, 80 Main Street, Suite 460,
 West Orange, NJ 07052-5414
 cr +Norgaard O'Boyle, 184 Grand Avenue, Englewood, NJ 07631-3578
 516711856 BAC Home Loans Serv LP, 4909 Savarese Cir, Tampa, FL 33634-2413
 516711857 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998-2238)
 516809533 Bank of America, PO Box 31785, Tampa FL 33631-3785
 516868535 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 516711859 Best Buy/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 516711860 Chase/Bank One Card Serv, PO Box 15298, Wilmington, DE 19850-5298
 516711863 DSNB/Macys, PO Box 8218, Mason, OH 45040-8218
 516711864 DSRM National Bank, 7201 Canyon Dr, Amarillo, TX 79110-4339
 516711861 Debt Recovery Solutions, 6800 Jericho Tpke Ste 113E, Syosset, NY 11791-4401
 516947600 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 516711866 Lora Nunziato, 520 Hackensack St, Carlstadt, NJ 07072-1306
 516711868 Suez Water, 461 From Rd Ste 400, Paramus, NJ 07652-3526
 516759545 +Suez Water New Jersey Inc, 69 DeVoe Place, Hackensack NJ 07601-6105
 516877161 +TD Bank, N.A., Payment Processing, PO Box 16029, Lewiston, ME 04243-9507
 516711874 The Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 516711875 Verizon, 500 Technology Dr Ste 300, Weldon Spring, MO 63304-2225
 516711876 #Verizon Wireless, PO Box 26055, Minneapolis, MN 55426-0055

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 19 2018 23:37:53 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Apr 19 2018 23:37:48 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 cr +E-mail/PDF: gecsedirecoverycorp.com Apr 19 2018 23:40:48
 Synchrony Bank c/o PRA Receivables Management, LLC, PO BOX 41021, Norfolk, VA 23541-1021
 516711858 +E-mail/Text: bankruptcy@bbandt.com Apr 19 2018 23:37:25 BB&T, 200 W 2nd St,
 Winston Salem, NC 27101-4049
 516726131 +E-mail/Text: bankruptcy@bbandt.com Apr 19 2018 23:37:25 BB&T, Bankruptcy Section,
 PO Box 1847, 100-50-01-51, Wilson, NC 27894-1847
 516804536 E-mail/Text: bankruptcy.bnc@ditech.com Apr 19 2018 23:37:32
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 516711862 E-mail/Text: bankruptcy.bnc@ditech.com Apr 19 2018 23:37:32 Ditech Financial, LLC,
 PO Box 6172, Rapid City, SD 57709-6172
 516711865 E-mail/Text: hannlegal@hannfinancial.com Apr 19 2018 23:37:26 Hann Financial, 1 Centre Dr,
 Jamesburg, NJ 08831-1564
 516902438 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 19 2018 23:37:47 MIDLAND FUNDING LLC,
 PO BOX 2011, WARREN, MI 48090-2011
 516759198 E-mail/PDF: cbp@onemainfinancial.com Apr 19 2018 23:33:20 ONEMAIN FINANCIAL,
 P.O. BOX 3251, EVANSVILLE, IN 47731-3251
 516711867 E-mail/PDF: cbp@onemainfinancial.com Apr 19 2018 23:33:06 OneMain, PO Box 1010,
 Evansville, IN 47706-1010
 516955294 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 19 2018 23:40:52
 Portfolio Recovery Associates, LLC, c/o Best Buy Credit Card, POB 41067,
 Norfolk VA 23541
 516955318 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 19 2018 23:40:54
 Portfolio Recovery Associates, LLC, c/o The Home Depot Consumer, POB 41067,
 Norfolk VA 23541
 516853540 E-mail/Text: bnc-quantum@quantum3group.com Apr 19 2018 23:37:41
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 516711869 E-mail/PDF: gecsedirecoverycorp.com Apr 19 2018 23:41:06 SYNCB/Care Credit,
 PO Box 965036, Orlando, FL 32896-5036
 516711870 E-mail/PDF: gecsedirecoverycorp.com Apr 19 2018 23:41:23 SYNCB/PC Richards,
 PO Box 965036, Orlando, FL 32896-5036
 516711871 E-mail/PDF: gecsedirecoverycorp.com Apr 19 2018 23:40:50 SYNCB/Toys R Us, PO Box 965001,
 Orlando, FL 32896-5001
 516711872 E-mail/PDF: gecsedirecoverycorp.com Apr 19 2018 23:41:22 SYNCB/Wal-Mart, PO Box 965024,
 Orlando, FL 32896-5024
 516715891 +E-mail/PDF: gecsedirecoverycorp.com Apr 19 2018 23:41:06 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 516711873 E-mail/Text: bankruptcy@td.com Apr 19 2018 23:37:55 TD Bank NA, 32 Chestnut St,
 Lewiston, ME 04240-7744
 516711875 E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Apr 19 2018 23:36:55
 Verizon, 500 Technology Dr Ste 300, Weldon Spring, MO 63304-2225
 516837904 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 19 2018 23:48:17 Verizon,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 42

Date Rcvd: Apr 19, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516711876 E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Apr 19 2018 23:36:55
Verizon Wireless, PO Box 26055, Minneapolis, MN 55426-0055

TOTAL: 23

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516808836 Bank of America, N.A.
aty* +Norgaard O'Boyle, 184 Grand Avenue, Englewood, NJ 07631-3578

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 21, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 18, 2018 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor Ditech Financial LLC bnicholas@kmlawgroup.com,
bkgroup@kmlawgroup.com
Brian Gregory Hannon on behalf of Attorney Norgaard O'Boyle bhannon@norgaardfirm.com,
sferreira@norgaardfirm.com;crose@norgaardfirm.com;184grandno@gmail.com
Brian Gregory Hannon on behalf of Creditor Norgaard O'Boyle bhannon@norgaardfirm.com,
sferreira@norgaardfirm.com;crose@norgaardfirm.com;184grandno@gmail.com
Brian Gregory Hannon on behalf of Debtor Robert Nunziato bhannon@norgaardfirm.com,
sferreira@norgaardfirm.com;crose@norgaardfirm.com;184grandno@gmail.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Sean M. O'Brien on behalf of Creditor BANK OF AMERICA, N.A. sobrien@flwlaw.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8